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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000117

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TAGS: [PREL](#) [PGOV](#) [IZ](#)
SUBJECT: S/I SATTERFIELD PRESSES IRAQI OFFICIALS ON
BENCHMARK LEGISLATION IN JANUARY 2008

REF: A. BAGHDAD 85
[1](#)B. BAGHDAD 91

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d).

[1](#)1. Summary: In the days leading up to the passage of the Justice and Accountability Law on January 12, S/I Satterfield pressed the CoR leadership and other prominent leaders to reach agreement based upon a consensus that included Tawafuq leader VP Tariq al-Hashimi on the proposed amendments and pass the legislation as a key step towards national reconciliation. Speaker Mashadani, however, called the vote up earlier than expected, thereby depriving VP Hashimi and the IIP of an opportunity to resolve several points of contention. Satterfield also pressed for resolving differences on provincial powers legislation, elections, and the amnesty law, which are all moving at a much slower pace. PM Maliki has thus far failed to build broad support for his draft amnesty law, and it will likely be greeted in the CoR by a wave of proposed amendments. End summary.

JUSTICE AND ACCOUNTABILITY LAW (AKA DE-BA'ATHIFICATION LAW)

[1](#)2. (C) The Justice and Accountability Law (aka de-Ba'athification law) passed the CoR on January 12 (ref A). Several days earlier, CoR Speaker Mashadani told S/I Satterfield that he suspected VP Hashimi might veto the legislation if the amendments from the De-Ba'athification Committee were approved. Others, such as Minister of Parliamentary Affairs Dr. Safa al-Safi and Deputy Speaker Sheikh Khalid Attiyah were more optimistic that VP Hashimi's differences could be resolved. VP Hashimi told S/I Satterfield on January 13 that Speaker Mashadani promised to hold off the vote until Monday (January 14). One of Hashimi's main points of contention in the hours leading up to the vote included Article 12 of the law (exemptions) and an amendment shifting the authority to approve exemptions from the Presidency Council to the CoR. Now that the law has passed, Hashimi worries that Sunni Arabs serving in the Iraqi National Intelligence Service (INIS), most of whom never received formal exemptions under the previous de-Ba'athification system, will lose their jobs. Satterfield strongly cautioned Hashimi against vetoing the bill. Hashimi remained non-committal, although IIP bloc leader Ayyad al-Sammaraie subsequently told us that he was advising Hashimi not to veto unless President Talabani and VP Abdel Mehdi were prepared to join him in returning the bill to the CoR.

[1](#)3. (C) In a meeting of the "three plus one" leaders (President Talabani, PM Maliki, VP Abdel Mehdi and VP Hashimi) January 13, Talabani told us that agreement was reached to send the bill back to the CoR for changes to "two or three points" upon which Hashimi had expressed objections. (Comment: Caution is advised as to whether the reported agreement in fact signals that the three plus one actually are committed to directing their CoR blocs to support changes

in the law -- and what the likely reception from elements in the CoR opposed to the entire measure, notably the Sadrists, would be. End comment.)

PROVINCIAL POWERS LEGISLATION

¶4. (C) The provincial powers legislation remains highly controversial, but was promised in the August 26 leaders' communique and is arguably the next most important piece of reconciliation legislation. Control of the text rests in the hands of PM Maliki and Minister of Parliamentary Affairs Dr. Safa al-Safi, who also heads the PM's Committee on the Provincial Powers law. In a meeting on January 9 with S/I Satterfield, Dr. Safa said ISCI is blaming him for delaying progress on this legislation, and confirmed that the Shura Council has taken the somewhat provocative step of declaring that the PMO's Draft as the only version of the law in play. (In a separate meeting, Speaker Mashadani said the CoR's Committee on Governorates and Regions had presented him a report protesting the Shura Council's decision to ignore the CoR Draft.)

¶5. (C) Hummam Hammoudi, Chair of the CoR's Constitutional Review Committee, identified three outstanding points of contention: control of security forces in emergencies, removing governors, and the appointment of district directors. Hammoudi and Attiyah told Satterfield these differences would soon be resolved. A meeting with VP Hashimi highlighted that IIP and the Tawafuq bloc have been kept out of the loop completely. VP Hashimi complained to Satterfield he may propose the Presidency Council submit its own draft. VP Hashimi favors strong government centralization, particularly in the area of national

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security, while most of the Tawafuq bloc favors decentralization on the legislation. VP Hashimi and Sheikh Attiyah seem to be in agreement, however, that police and Iraqi security forces should remain at the federal level. Attiyah was not optimistic provincial powers legislation will move very quickly.

ELECTIONS

¶6. (C) Dr. Safa al-Safi told S/I Satterfield the draft elections law is complete, but has not been presented yet to the Council of Ministers (CoM). Dr. Safa, Deputy CoR Speaker Attiyah, and Hummam Hammoudi all told S/I Satterfield they support an open list (or at least a hybrid list) for provincial elections. Safa emphasized, "people need to know who they are electing." ISCI-heir apparent Amar al-Hakim (septel) was more circumspect, expressing concern to Satterfield that "careful study" was required to see whether changing to an open list would produce "chaos, in which all elements of society including tribal figures could be elected - without the capacity to govern effectively." Attiyah said he has reservations because he has not seen the PMO's draft or been involved in any of the discussions. He reviewed different approaches to provincial elections with Satterfield, highlighting some prior Lebanese provincial elections as models.

AMNESTY LAW

¶7. (C) Dr. Safa said the amnesty law is with the Shura Council, but will be transmitted to the CoR quickly. In response to a question regarding the PM's objectives on this legislation, he said, "the PM seriously supports amnesty." However, as the head of the PM Committee on this effort, he appears to be one of its only strong supporters. Hammoudi and Sheikh Attiyah said they had not seen copies of the amnesty law, but Attiyah thought it was only for "show," estimating that it addressed no more than ten percent of

detainees. Hashimi also criticized the law, calling it "humiliating" and saying he would circulate his comments to the CoR regarding this legislation.

PROSPECTS FOR KEEPING THE LEGISLATIVE SESSION GOING

18. (C) Speaker Mashadani and Deputy Speaker Attiyah were notably reluctant to push CoR members to work through the legislative recess scheduled for February, and Mashadani said the Kurds would oppose the idea. Because the Presidency Council can also call for the CoR to work through the legislative recess, S/I Satterfield floated this idea with the three members of that Council: Hashimi was agreeable but not overly enthusiastic; Abdel Mahdi said it would be difficult (ref B); Talabani (like Maliki in a December 10 meeting with the Ambassador, Satterfield, and CG Petraeus) was supportive of the Presidency or three plus one calling for the CoR to remain at work (septel).
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